

Part 1

Consolidation of Counties

17-2-101 Title.

- (1) This chapter is known as "County Consolidations and Annexations."
- (2) This part is known as "Consolidation of Counties."

Enacted by Chapter 350, 2009 General Session

17-2-102 Definitions.

As used in this part:

- (1) "Consolidating county" means the county to which another county is joined or is proposed to be joined by consolidation under this part.
- (2) "Originating county" means the county that is joined or proposed to be joined to another county by consolidation under this part.

Enacted by Chapter 350, 2009 General Session

17-2-103 Consolidation of counties -- Petition -- Election -- Ballot.

- (1) If a majority of the legal voters of any county desire to have the county joined to and consolidated with an adjoining county, they may petition the county legislative body of the county in which they reside and the county legislative body of the adjoining county.
- (2) Each petition under Subsection (1) shall be presented before the first Monday in June of any year.
- (3)
 - (a) If a petition under Subsection (1) is presented in a year during which a regular general election is held, the county legislative body of the originating county and the county legislative body of the consolidating county shall cause the proposition to be submitted to the legal voters of their respective counties at the next regular general election.
 - (b) If a petition under Subsection (1) is presented during a year in which there is no regular general election, the county legislative body of the originating county and the county legislative body of the consolidating county shall:
 - (i) call a special election to be held on the first Tuesday after the first Monday in November following the presentation of the petition; and
 - (ii) cause the proposition to be submitted to the legal voters of the respective counties on that day.
 - (c) Except as otherwise provided in this part, an election under this Subsection (3) shall be held, the results canvassed, and returns made under the provisions of the general election laws of the state.
 - (d) The ballot to be used at an election under this Subsection (3) shall be:

For combining ____ county with ____ county.

Against combining ____ county with ____ county.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-104 Certification of election result to governor.

If it appears from the certified report that the lieutenant governor receives under Section 20A-4-304 that a majority of the voters in each of the counties have voted in favor of consolidation, the lieutenant governor shall certify the result of the vote to the governor.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-105 Governor's proclamation -- Notice and plat to lieutenant governor -- Recording requirements -- Effective date.

- (1) Upon receipt of the election result from the lieutenant governor under Section 17-2-104, the governor shall issue a proclamation, stating the result of the vote in each of the counties, and that the consolidation of the one county with the other will take effect as provided in Subsection (3).
- (2) The legislative body of the consolidating county shall:
 - (a) within 30 days after the issuance of the governor's proclamation under Subsection (1), send to the lieutenant governor:
 - (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
 - (b) upon the lieutenant governor's issuance of a certificate of consolidation under Section 67-1a-6.5, submit to the recorder of the consolidating county:
 - (i) the original notice of an impending boundary action;
 - (ii) the original certificate of consolidation;
 - (iii) the original approved final local entity plat; and
 - (iv) a certified copy of the governor's proclamation under Subsection (1).
- (3)
 - (a) A consolidation of counties approved at an election under Section 17-2-103 takes effect on January 1 of the year immediately following the lieutenant governor's issuance of a certificate of consolidation under Section 67-1a-6.5.
 - (b)
 - (i) The effective date of a consolidation of counties for purposes of assessing property within the consolidating county is governed by Section 59-2-305.5.
 - (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the recorder of the county in which the property is located, a consolidating county may not:
 - (A) levy or collect a property tax on property in the consolidating county that used to be in the originating county;
 - (B) levy or collect an assessment on property in the consolidating county that used to be in the originating county; or
 - (C) charge or collect a fee for service provided to property within the consolidating county that used to be in the originating county.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-106 Effect of consolidation.

- (1) All territory included within the boundaries of the originating county becomes, upon consolidation, the territory of the consolidating county.
- (2) The precincts and school districts existing in the originating county continue and become precincts and school districts in the consolidating county and remain as then organized until

changed in the manner provided by law, and the officers of those precincts and school districts hold their respective offices until the expiration of the applicable terms.

- (3) The ownership of all property, both real and personal, held and owned by the originating county at the time of consolidation is vested in the consolidating county.
- (4) The terms of all county officers in the originating county terminate and cease on the day the consolidation takes effect, and those officers shall immediately deliver to the corresponding officers of the consolidating county all books, records, and papers of the originating county.
- (5) Any person who is confined under lawful commitment in the county jail of the originating county, or otherwise lawfully held to answer for alleged violation of any of the criminal laws of this state, shall be immediately delivered to the sheriff of the consolidating county, and such person shall be confined in its county jail for the unexpired term of the sentence or held as specified in the commitment.
- (6)
 - (a) All criminal proceedings pending in the originating county shall be prosecuted to judgment and execution in the consolidating county.
 - (b) All offenses committed in the originating county before consolidation that have not been prosecuted shall be prosecuted in the consolidating county.
- (7) All actions, proceedings, and matters pending in the district court of the originating county may be proceeded with in the district court of the consolidating county.
- (8) All indebtedness of the originating county are transferred to and become the indebtedness of the consolidating county with the same effect as if it had been incurred by the consolidating county.

Renumbered and Amended by Chapter 350, 2009 General Session